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SUBJECT: GOING "GREEN" TO EARN GREEN: CONSERVATION POLICIES USED TO  
DISPLACE HILL TRIBES AND BRING IN MONEY

REF: A. CHIANG MAI 109 (HILL TRIBES, ENVIRONMENTALISM, AND POLITICS)  
[1](#)B. CHIANG MAI 75 (NGOS ASSIST HILL TRIBES)  
[1](#)C. 08 CHIANG MAI 140 (RELOCATIONS HURT HILL TRIBES)  
[1](#)D. 08 CHIANG MAI 192 (HILL TRIBES PLAGUED BY STATELESSNESS)

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Sensitive but unclassified; please handle accordingly.

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Summary and Comment  
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[1](#)1. (SBU) In the past, the Thai Royal Forest Department (RFD) has encouraged and, sometimes forced, upland dwellers to resettle outside of highly valued national parks and protected forests. Recently, NGOs have begun to worry that carbon trading initiatives designed to slow climate change will make forest conservation profitable and will provide further incentives for displacing communities in forested areas. They are also concerned that worsening economic conditions may add to the already 10 million individuals living on protected lands, further exacerbating the problem. While officials report that the relocation of entire villages rarely occurs today, many highland farmers still lack formal land titles and are therefore pressured to vacate their agricultural lands. Lack of Thai citizenship has hindered attempts to secure land titles for hill tribe farmers, and Thai NGOs have argued that politicians and their cronies use forestry regulations as a cover for land acquisition and development schemes. As a result, hill tribe and other upland dwellers have partnered with NGOs to develop strategies for securing recognition of their land tenure rights. This cable, part two in a series on highland agriculture and land tenure, will focus on RTG environmental policies and the ways these policies have been used to displace upland farmers.

[1](#)2. (SBU) Comment: The displacement of agriculturally-dependent hill tribe people in the name of environmental preservation is cause for concern, especially in light of potential climate change and REDD ("Reduced Emissions from Deforestation and Degradation") initiatives. However, NGOs have supported relocated communities, and those at risk of eviction, in many ways. Community based land management has the potential to secure land rights for highlanders, and REDD programs could be designed so that highland communities receive some of the revenue earned through forest conservation. End  
Summary and Comment.

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A Brief History of Thai Forest Policy  
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[1](#)3. (U) Decades of insufficiently regulated logging led to massive deforestation, culminating in a countrywide ban on commercial logging in 1989. In the 1960s and 1970s, the Royal Forest Department (RFD) began creating national parks, conservation forests, wildlife conservation areas, protected

watersheds, and other areas where land-use restrictions apply, out of the forests that were relatively untouched. Communities located within these protected areas were resettled, often at the prodding of the Thai Army (ref c). During the Vietnam War, the RTG viewed the northern provinces as a refuge for communist insurgents, and upland resettlement efforts often coincided with anti-insurgency military activities (ref a).

14. (SBU) As previously reported by post, The Office of Narcotics Control Board (ONCB) and the Ministry of Natural Resources and Environment (MoNRE) have also resettled hill tribe communities alleged to be involved in narcotics cultivation and smuggling (ref c). Both the ONCB and MoNRE halted their own relocation policies in 1988 and 1998, respectively.

15. (SBU) In later years, welfare stations, with education and agricultural extension services, were established to attract forest dwellers to areas outside of watersheds. These new villages rarely attracted permanent settlers, and by 1980, only 50 of these villages had been established. In the 1990s, relocations of entire villages fell out of favor, and the state turned to land-use regulations to protect forest ecosystems.

16. (SBU) According to the Highland People's Taskforce (HPT), these land-use regulations are complicated by conflicts between the RFD and MoNRE's National Park, Wildlife and Plant Conservation Department (NPD) over jurisdiction and funding. Although the NPD used to be a division of the RFD, these departments were reorganized in 2002, and the NPD is now part of the MoNRE. The RFD continues to report to the Ministry of Agriculture (although responsibilities for managing national parks were reassigned to the Ministry of Natural Resources and the Environment in 2003.) As a result of this split, the RFD and the NPD now battle for their share of a sizeable budget allocated for reforestation activities. In 2009, for example, the NPD's budget was 8.3 billion baht (US \$244 million), and the RFD's budget was 3.3 billion baht (US \$97 million).

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Tenuous Land Tenure  
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17. (SBU) As of June 2009, there were 148 national parks and 112 wildlife sanctuaries nationwide. In several meetings with pol/econ staff, NGOs claimed that many of these conservation areas were drawn on maps with little regard for existing occupants. With the stroke of a pen, upland dwellers who may have lived for generations in their agricultural villages became squatters on protected lands. A journalist informed post that there are 5,000 - 6,000 villages located within the boundaries of forest parks, national parks, wildlife sanctuaries and mangrove forests.

18. (SBU) Whenever the RFD establishes a national park or forest reserve area, the declaration is posted at the district office, and villagers have 30 days to file an objection. However, rural villagers rarely travel to their district office and may not find out about the establishment of a forest reserve until after those 30 days have passed. One NGO has noted that some upland villages did not even know about the existence of national parks until they were charged with offenses related to encroaching on protected areas.

19. (SBU) Current punishments for violating land-use regulations are harsh, and upland dwellers often have difficulty proving ownership over the lands they utilize. Those who are found to be "encroachers" on forest lands can face criminal charges, and, since 1997, they have also been prosecuted in civil courts. The Thai Land Reform Network reports that families convicted of living illegally in protected areas have been forced to pay 2-5 million baht (US \$59,305-147,506) in damages to the NPD. The Northern Development Foundation (NDF) highlighted to us the case of a farmer convicted of encroaching on protected lands. In criminal court, he was fined 20,000 baht

(US \$589) and sentenced to one year in prison. In civil court, he was convicted of violating environmental laws and fined an additional 1.5 million baht (US \$44,196).

¶10. (SBU) The Bangkok Post reported that from July 2001 to September 2007, the National Human Rights Commission (NHRC) Office received 603 complaints concerning land rights and conflicts over land use. Of these, 122 were related to national park and forest reserve areas. Similarly, the NDF noted that there were 6,711 arrests for illegal land use in 2007 and 2,626 arrests in just the first four months of 2008. Many of these arrests were round-ups of entire families and communities, meaning that the actual number of people arrested was far higher than the statistics above suggest.

¶11. (SBU) In one case reported in the media, several villagers were accused of encroaching on lands that were designated as part of Bantad Forest Reserve. One villager, in particular, was convicted of encroachment on 1.31 hectares of forest reserve. After her conviction, she was fined 1.67 million baht (US \$49,519) and told to vacate her land. The land had been cultivated by both her late father and grandfather, and she had paid the local land taxes every year since she had inherited the property. She had also received a grant from the office of the Rubber Replanting Aid Fund, a state agency. However, in 2005, she lost her legal battle with the NPD, and the courts ordered her assets seized. More than 700 villagers in the province protested against this and other NPD lawsuits and asked provincial officials to investigate the facts. In 2008, a group of officials, including the district's deputy governor, were taken to see the lands in question and interview the village headman. After this investigation, the governor sent a letter to the NPD, asking it to withdraw the lawsuits against the villagers. The NPD informed the governor that it could not follow his recommendation, citing a lack of justification for withdrawing the cases. As of February 2009, the villagers accused of encroachment are still on their land and their cases are still pending.

¶12. (SBU) Lack of Thai citizenship has also prevented members of hill tribes from securing the land titles needed to protect their agricultural lands and livelihoods (ref d). Several NGOs have reported that stateless persons living in upland forests are more vulnerable to eviction than those with Thai citizenship. This vulnerability has been exploited by forestry officials. For example, the entire village of Na-on in Chiang Mai Province was threatened with eviction in 2006 after the establishment of Chiang Dao National Park. When villagers protested against their eviction, the District Governor promised the villagers Thai citizenship if they agreed to leave Na-on. District authorities have met with the Na-on villagers several times since 2006, and the eviction is still pending. Staff members from the Highland People's Taskforce question the district officials' promise of citizenship and doubt that the local officials have the authority to honor that pledge.

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The Law is Like a Spider's Web  
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¶13. (SBU) NGOs, such as the Thai Land Reform Network (TLRN) and NDF, reported that 10 million people (including 800,000 ethnic hill tribe minorities) currently live in protected forest areas. Growing populations and the expansion of protected areas has created a shortage of available agricultural land. NDF has also maintained that the 1997 Thai economic crisis forced newly unemployed urban dwellers to return to the rural sector where they began farming on protected forest lands. NDF has predicted that the current global economic crisis may exacerbate the situation, pushing more people to return to rural farming in the protected uplands.

¶14. (SBU) NGOs also voiced concerns about rent-seeking behavior among government authorities. One NGO maintained that

police and forestry officials are overzealous about arresting people because they use the number of arrests to justify their requests for greater funding. Another NGO claimed that forest dwellers are not being displaced for environmental reasons, but to establish profitable eco-tourist accommodations in desirable locations. This NGO highlighted the eviction of villagers from Huaykon in Chiang Mai Province, noting that there were rumors that the district council planned to evict villagers so that a rock climbing resort could be constructed in the area. (When contacted by post, district officials were unable to confirm whether the eviction actually took place.) Similarly, a recent Bangkok Post article revealed that the Department of National Park, Wildlife and Plant Conservation plans to spend 765 million baht (US \$22 million) on renovating tourist accommodations and improving tourist spots.

¶15. (SBU) Another Bangkok Post article reported that only one private firm, a large resort hotel located within a national park, has been charged with invasion of a protected forest. In contrast, the NPD has examined the land claims of over 10,000 families who have been accused of encroaching on protected forests and has filed 293 encroachment lawsuits. Of those 293 lawsuits, the NPD has successfully won 121 cases. (The remaining 172 cases are still pending.) Forest-dwelling villagers have complained about this apparent double-standard, with one noting, "You can see that many influential people can build big houses and resorts in the forest reserve or national park without any troubles. I think the law is like a spider's web; it can trap only small insects like us, those that have the power to destroy the web can fly freely."

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Land Conflicts  
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¶16. (SBU) Accusations of rent-seeking and corruption have, in some cases, led to vocal protests by forest-dwellers. In June 2009, displaced villagers cut down eucalyptus trees in the Dong Yai National Park and set them ablaze after their request for permission to use the land was denied. Forestry officials brought in more than 300 soldiers from a military camp in Nakhon Ratchasima to quell the situation, but the villagers have vowed to clear more land if a high level minister does not respond to their concerns. The villagers had accused forestry officials of collaborating with the logging companies that harvest the eucalyptus trees. Although the land was declared a forest reserve, parts of it had been set aside for the planting of eucalyptus trees, and private firms were permitted to buy the mature trees. Arguing that they had no land on which to make a living, the villagers had asked authorities to give them access to the land used for the eucalyptus plantation.

¶17. (SBU) If villagers can prove that they have been living in an area prior to the establishment of a protected area, the NPD will demarcate the land and consider revoking its national park status. The area can be re-classified as a forest reserve, a designation that would allow people to reside in the forest and use forest products. However, displaced villagers have argued that the burden of proof is difficult to meet. The testimony of village headmen is often ignored, and, instead, the NPD relies on old aerial maps and satellite photos to verify historical land ownership and use. Yet, aerial maps may not accurately demonstrate land use, as mixed orchards and rubber trees may look like untouched forest from above (ref b). Villagers have argued that the NPD should also consider the many layers of annual rings around fruit and rubber trees, which indicate that the trees were planted long before the national parks were established.

¶18. (SBU) The Western Forest Complex is the largest contiguous protected forest area in Thailand and encompasses 9 national parks, 6 wildlife sanctuaries, and 2 preserved forests in the six provinces of Tak, Kamphaeng Phet, Nakhon Sawan, Uthai

Complex, land conflicts have become so acute that a five-year project, known as the "Joint Management of Protected Areas" (JoMPA), was established to formally demarcate the boundaries between "forest" and "farm". JoMPA was initiated in 2004 and is funded by the Danish International Development Agency (DANIDA). Under JoMPA, the Seub Nakkahasathien Foundation, a forest conservation organization, trains villagers to use and understand global positioning system (GPS) equipment. GPS systems are then used to mark the boundaries of village agricultural lands, as well as the boundaries of protected forests. The data collected through JoMPA will be used to settle future land rights claims. Despite village involvement in JoMPA, some villagers still do not accept the boundaries established by JoMPA. According to the general secretary of the Seub Nakkahasathien Foundation, the role of JoMPA is not to protect land rights, but to "block further encroachment."

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Will climate change policies be used to displace highlanders?  
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¶19. (SBU) NGOs have also raised concerns over Thailand's potential involvement in REDD ("Reduced Emissions from Deforestation and Degradation") programs. REDD is designed to inhibit the deforestation that is a significant source of carbon emission as well as incentivize the reforestation that is needed in Thailand. First introduced at the 11th session of the Conference of Parties to the Climate Change Convention (COP 11) in Montreal, REDD was discussed again at COP 13 in Bali. Indonesia, Vietnam, Papua New Guinea, Tanzania, and Democratic Republic of Congo have been selected as pilot countries. REDD would provide a market for carbon credits, allowing industrialized nations to buy forest credits to meet their mandated emissions reductions. Countries with large swaths of forests stand to bring in tens of billions of dollars. However, several NGOs based in northern Thailand are worried that REDD could create further incentives for the RTG to displace highlanders from valuable forests. These NGOs also noted that there is no guarantee that REDD profits will be used to help highland people evicted from their forest homes.

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NGOs Reach Out to Highland Farmers  
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¶20. (SBU) Several NGOs complained that forestry regulations fail to account for the complexity of hill tribe livelihoods. As a result, many of these NGOs have sought to create more dialog between highland farmers and forestry officials. NGOs have also supported displaced highland farmers by:

--educating local authorities and forestry officials about the concerns raised by highland farmers,

--supporting highland communities threatened with eviction, as well as individuals who have been arrested for encroaching on protected, forests,

--organizing political campaigns on the policy level, and

--cooperating with global networks of indigenous people on environmental initiatives.

¶21. (U) The Northern Development Foundation has also pioneered a new model for community based land management, an innovative solution to the problem of land tenure. As a part of a pilot project, NDF has helped 79 families establish communal ownership over their lands. Under this model, the plots used by these 79 families are surveyed and clearly demarcated, but families can continue to use their agricultural lands as they see fit. However, land sales or transfers have to be approved by the community, and other community members get the right of first refusal. The selling price is determined by the community and financing provided through a community land bank fund. This community based land management system is designed to protect the livelihoods of small scale farmers and to prevent large landowners from pressuring small scale farmers to sell their lands.

122. (U) This cable has been coordinated with Embassy Bangkok.  
ANDERSON